

REMARKS

Claims 10-18 are pending.

The Examiner has indicated that "Amendments in the specification are not entered." The Examiner gives no explanation on this point. Applicants request entry of the amendments to the specification in the Preliminary Amendment submitted with the application.

Applicants enclose copies of some of the non-patent literature references cited in the IDS. Other references can be found in the parent application 09/341,524.

Claims 10-18 stand rejected under 35 U.S.C. 112, first paragraph. Applicants respectfully traverse this rejection. Support for the definitions of R¹³ and R¹⁴ can be found at page 5, lines 31-33.

Claims 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over De Beer et al. (CA 114:57538, abstract of ZA 8,903,661) in view of Garst et al. (WO 95/28410). Applicants respectfully traverse this rejection.

It was an objective of the present invention to provide a solid sulfonylurea (hereinafter "SU") formulation that is less subject to decomposition. Applicants have discovered that this objective is achieved by the use of an alkyl polyglucoside as adjuvant. De Beers et al. does not disclose solid formulations (see page 3, second and third paragraphs). None of the cited references addresses the problem of SU decomposition in solid formulations comprising a surfactant. Therefore, a person having ordinary skill in the art would not have been led to solve the problems

associated with solid formulations by adding an alkyl polyglucoside to the formulations disclosed by De Beers et al.

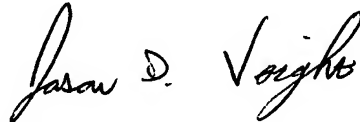
In any event, the unexpected results of the present invention rebut any *prima facie* case of obviousness. The beneficial effects of the alkyl polyglucosides on the stability of SU are supported by the results of Table 3 of the specification, wherein the relative level of active SU after 14 days at 54°C is given for several formulations. As can be seen, the formulations (not according to the invention) which contain either fatty alcohol ethoxylate, ethoxylated fatty amine or E.O./PO block copolymer as an adjuvant suffer a relatively drastic loss of activity after 14 days. Loss of activity is much smaller for the compositions 1 to 18 (according to the invention) which contain alkyl polyglucosides as adjuvants. Additionally, applicants direct the examiner's attention to comparative examples C1 and C2, wherein the level of active compound in percent at the beginning is much lower than the amount of SU which is employed in the formulation. The amount of SU in example 1 and comparative example 1 should be about 5% by weight. However, when analyzed, the level of active compound was found to be much lower, i.e., 3.2% to 3.9%. These levels indicate that some of the SU has decomposed during the preparation of the formulation. On the other hand, the level of active compound in example 1 corresponds to the amount of SU employed in the formulation, indicating that no decomposition has taken place. This beneficial effect could not have been foreseen in light of the prior art since WO 95/28410 does not address the problem of SU decomposition in a solid formulation, and renders the

invention patentable.

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Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, reading "Jason D. Voight". The signature is written in a cursive style with a large, stylized "V".

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